

## **REMARKS**

### **I. Introduction**

Claims 1, 3-5 and 7-11 are pending in the present application after cancellation of claims 2, 6 and 12. Claims 1, 5, 7 and 11 have been amended. In view of the following, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claim 11 under 35 U.S.C. §112**

Claim 11 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement because “the retransmission of the message following an initiation of the wake up procedure is not disclosed.” In response, Applicant has amended claim 11 to recite “retransmitting the message once the predefined number with respect to the at least one preselected signal feature of the message has been reached,” which amended feature is clearly described in the Specification, e.g., p. 4, l. 23 – p. 5, l. 5. Accordingly, the rejection of claim 11 has been overcome, and claim 11 is in allowable condition.

### **III. Rejection of Claims 1-2, 5-10 and 12 under 35 U.S.C. §102(b)**

Claims 1-2, 5-10 and 12 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,282,668 ("Neudecker"). Claims 2, 6 and 12 have been canceled. Applicant respectfully submits that the anticipation rejection should be withdrawn, for at least the following reasons.

To anticipate a claim under §102(b), each and every element as set forth in the claim must be found in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of Calif., 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 105 3 (Fed. Cir. 1987). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). That is, the prior art must describe the elements arranged as required by the claims. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To the extent that the Examiner may be relying on the doctrine of inherent disclosure for the anticipation rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the

teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 1 recites “a detection device for implementing a two-step wake-up procedure including detecting at least one predefined signal feature of a message transmitted on the bus system, wherein the at least one predefined signal feature is assigned to the at least one targeted user, and wherein the detection device initiates a further step of the wake-up procedure only for the at least one targeted user once a preselected number with respect to the at least one predefined signal feature of the message has been reached, and wherein the preselected number with respect to the at least one predefined signal feature is greater than one.” Independent claims 5 and 7 have been amended to recite substantially similar limitations as those recited above.

In contrast to the present claimed invention, the arrangement described in Neudecker clearly does not teach or suggest a two-step wake-up procedure including a first step of detecting a predefined signal feature assigned to a targeted user and a further step which is initiated only after a preselected number of occurrences of the predefined signal features has been reached; instead, Neudecker merely discloses a one-step selection process implemented by sending a selection telegram. As shown in Fig. 1 and described in col. 5, l. 4-30 of Neudecker, each selection telegram (for activating selected bus stations) includes the following components: a long initial impulse E (same for all selection telegrams); a varying number of short code impulses I (indicating which bus stations are to be selected for data exchange); and final long impulse A (same for all selection telegrams). Accordingly, the entire selection process of Neudecker is fully initiated upon the single step of transmitting the selection telegram, and there is no suggestion that a further step of the two-step wake-up procedure is conditioned upon a preselected number of the at least one predefined signal feature of the message being reached.

Independent of the above, to the extent the Examiner contends that col. 4, l. 26-30 of Neudecker discloses “detecting a predefined impulse signal feature . . . assigned to the target” and that col. 4, l. 35-47 discloses initiation of “a further wake up procedure when the predefined signature feature has been reached,” Applicant notes that the Examiner is not addressing the actual claimed limitations. As noted above, the present claimed invention requires “detecting . . . the at least one predefined signal feature . . . assigned to the at

least one targeted user" as a first step, and initiating "a further step of the wake-up procedure only for the at least one targeted user once a preselected number with respect to the at least one predefined signal feature of the message has been reached." In Neudecker, however, the number of impulses I simply designate which bus stations are to be selected for data exchange, but there is no suggestion that a preselected number of impulses I serves as any precondition for initiating a further step of the wake-up procedure.

For at least the foregoing reasons, claims 1, 5 and 7, as well as dependent claims 8-10, are allowable over Neudecker.

#### **IV. Rejection of Claims 3 and 4 under 35 U.S.C. §103(a)**

Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Neudecker in view of U.S. Patent 5,581,556 ("Ohie"). It is respectfully submitted that the combination of Neudecker and Ohie does not render unpatentable pending claims 3 and 4 for at least the following reasons.

In rejecting a claim under 35 U.S.C. §103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 23 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art references must teach or suggest all of the claimed limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Claims 3 and 4 depend on claim 1. As discussed in connection with parent claim 1, Neudecker fails to teach or suggest all of the features of parent claim 1. Furthermore, Ohie fails to remedy the deficiencies of Neudecker as applied against parent claim 1. Therefore, dependent claims 3 and 4 are allowable over the combination of Neudecker and Ohie.

#### **Conclusion**

In light of the foregoing, Applicant respectfully submits that all of the pending claims 1, 3-5 and 7-11 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP



(R. NO.  
36,197)

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By: Tong Lee for Gerard Messina  
Gerard A. Messina  
Reg. No. 35,952  
One Broadway  
New York, NY 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**